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Attorneys for Plaintiff/Counterclaim-Defendant,
The ProImmune Company, LLC

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

THE PROIMMUNE COMPANY, LLC, a Delaware
limited liability company;

Case No.: 7:20-cv-01247-KMK

Plaintiff,

v.

HOLISTA COLLTECH LTD., an Australian
corporation; and DOES 1-50, inclusive;

Defendants.

**DECLARATION OF ALBERT CRUM M.D. IN SUPPORT OF
PLAINTIFF/COUNTERCLAIM-DEFENDANT THE PROIMMUNE COMPANY, LLC'S
OPPOSITION TO DEFENDANT/COUNTERCLAIM PLAINTIFF HOLISTA
COLLTECH LTD.'S MOTION FOR SUMMARY JUDGMENT
[REDACTED PURSUANT TO COURT ORDER ECF 42]**

I, Albert Crum, M.D., declare:

1. I am the principal of Plaintiff/Counterclaim-Defendant The ProImmune Company, LLC (“ProImmune”) was at all times relevant to this lawsuit, and make this declaration in support of its opposition to Defendant/Counterclaim Plaintiff Holista Colltech Ltd.’s motion for summary judgment. I have personal knowledge of the facts set forth below, and if called to testify, I could and would competently testify thereto.

2. The parties entered into four separate distribution agreements for Immune Formulation 200® (the “Product”) throughout their relationship.

3. While ProImmune had various obligations under these contracts, the main obligation was to supply Holista with Product that conformed to the various warranties and specifications indicated in each contract. ProImmune was only required to produce the Product and make it available for pick up at the manufacturer, after which Holista was responsible for arranging for the shipping of the Product. ProImmune performed its obligations for each of the contracts.

4. At various times throughout the parties’ relationship, Holista complained about issues with the Product. None of these complaints had to do with any of the Product prepared under the parties’ fourth contract (“Contract No. 4”). While mesh size and color for the Product were incorporated into Contract No. 4, ProImmune had no contractual obligations as to packaging, taste, or otherwise. Holista made no complaints as to taste or mesh size under Contract No. 4, and ProImmune’s Product always conformed to taste and mesh size.

5. Contract No. 4 also had provisions that gave Holista the right to inspect and reject Product within a specified time period. If Holista did not reject the Product in the required time

period, Holista could still obtain written consent from ProImmune for replacement or return of Product. Holista never once inspected the Product or rejected it. Further, ProImmune never once consented, in writing or otherwise, to the replacement or return of any Product.

6. Around August 2019, one of Holista's customers claimed that a batch of Product they ultimately received had an unexpectedly low amino acid content. In response, I had asked what batch number was being tested and what test was being used to determine amino acid content. That batch was Lot # 1015811. Holista's customer claimed that it had tested the batch and found the amnio acid content "is almost 50% only." A true and correct copy of that email chain between myself, Holista's CEO Dr. Rajen Manicka ("Dr. Rajen"), and Dr. Selvam Rengasamy is attached hereto as **Exhibit A**.

7. We forwarded the dispute to our manufacturer UST. Our manufacturer had also asked Holista what batch was at issue, what lab was testing the batch, and what testing method was being used. Our manufacturer indicated that they would conduct stability testing on a retained sample. A true and correct copy of that email, which I was copied on, is attached hereto as **Exhibit B**. In that same email, Dr. Rajen had indicated that Holista would also be sending a sample to Eutech Scientific Services, Inc. to conduct another test for the amino acid content of that batch.

8. On September 27, 2019, I sent an email to Dr. Rajen that included test results for the amino acids that comprised finished Product. Attached hereto as **Exhibit C** is a true and correct copy of that email and its attachments.

9. On October 10, 2019, I received an email from ProImmune's accountant Nicholas Nash. Mr. Nash had forwarded an email that he received from Dr. Rajen, indicating that the test results Holista received from Eutech Scientific Services, Inc. demonstrated an amino acid

content of the contested batch that was approximately 88%, rather than the approximately 50% that they had originally claimed. Attached hereto as **Exhibit D** is a true and correct copy of the email that I received from Mr. Nash.

10. Contrary to Dr. Rajen's claims that ProImmune never "explained or justified the quality discrepancy despite numerous attempts from Holista," ProImmune did address the issues and demonstrated that the Product conformed to the specifications as required.

11. Additionally, the contested batch, Lot # 1015811, was produced and made available for pick-up by Holista in November 2018 and scheduled to arrive by January 9, 2019. While this was shortly after Contract No. 4 was entered into (September 2018), the orders were under a third distribution agreement between the Parties and were purchase order numbers POM/18/09 and POM/18/10 which were made in January 2018. Those purchase orders were late according to the schedule for the parties' third contract, but nonetheless were orders for Product under that contract. Attached as **Exhibit E** is a true and correct copy of the email indicating when Lot # 1015811 was manufactured for Holista and prepared for shipment.

12. Holista's customer, and in turn Holista, did not raise an issue with Lot # 1015811 until nearly a year later around August 2019. At no point in time did Holista reject Lot # 1015811 according to the 21-day deadline under Section 4.1 of Contract No. 4.

13. Holista made various payments totaling \$311,850.00 under Contract No. 4. ProImmune prepared the Product and informed Holista that the Product was available at the manufacturer for pick-up. Attached as **Exhibit F** is a true and correct copy of an email that I sent to Dr. Rajen informing him that Product was available for Holista to pick up. Specifically, on February 22, 2019, I informed Holista "There orders that are awaiting your pick-up confirmation." I emailed Dr. Rajen again on March 3, repeating that "There are orders that are

awaiting your pick-up confirmation.” Holista never picked that Product up, and in order to avoid the Product going to waste, ProImmune sold that Product to a third party.

14. ProImmune has been ready and willing to provide Holista with Product that it paid for, should Holista still desire to obtain the Product.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 14, 2021 at Rhinebeck, New York.



Albert Crum, M.D.

EXHIBIT A

From: Dr Selvam <drselvam27@yahoo.com>
To: albertbcrum <albertbcrum@aol.com>
Cc: Rajen M <rajen.m@holistaco.com>; NMNashl <NMNashl@BellSouth.net>; nrsacksxman <nrsacksxman@aol.com>; nedunseran <nedunseran@chakrawecare.com>
Subject: Re: Amino Acid Content in Immune Formulation 200R
Date: Thu, Aug 22, 2019 11:00 pm

Dear Crum,

The test was conducted upon request by the customer since COA was the only document provided with the shipment thus far.

Testing was conducted on Immune Formulation 200(R) which was received from UST. The samples were personally sent by us from the Proimmune Formulation before production to avoid any influence of external factors. Hence the testing was done on the neat Proimmune. The batch no.is UST 1015811(stated in the test report). GCMS was test method used.

Kindly explain on the the discrepancy in the amino acid contents and provide the accelerated stability test report to verify the integrity of the amino acids .

This matter has drawn serious attention from our customer and all sales and activities related to EDG3 are likely to be put on hold pending the outcome of this investigation.

Please also allocate some time to answer our concerns mentioned in earlier emails .

Tq

**Datuk Dr Selvam Rengasamy MBBS, FRCOG,
PRESIDENT OF SAHAMM, FELLOW ACNEM,
OBSTETRICIAN & GYNAECOLOGIST
BOARD CERTIFIED ANTI AGING PHYSICIAN, IHS & A4RM**

On 22 Aug 2019, at 6:13 PM, Rajen M <rajen.m@holistaco.com> wrote:

HOLISTA COLLTECH

Dato' Dr. Rajen M
Chief Executive Officer

MALAYSIA
Unit 1201, 12th Floor, Amcorp Trade Center, PJ Tower, 18 Persiaran Barat, 46050 Petaling Jaya.
Selangor, Malaysia
P +603 7965 2729 | F +603 7965 2777 | www.holistaco.com

AUSTRALIA
283 Rokeby Road, SUBIACO WA 6008
P +61 8 6141 3500 F +61 8 6141 3599
(ABN 24 094 515 992 ASX Code : HCT)

EXHIBIT

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exhibitsticker.com

----- Forwarded message -----

From: Rajen M <rajen.m@holistaco.com>

Date: Thu, Aug 22, 2019 at 6:58 AM

Subject: Re: Amino Acid Content in Immune Formulation 200R

To: The ProImmune Co. LLC -- <albertbcrum@aol.com>, Dato Dr Selvam

<drselvam@chakrawecare.com>, Nedunseran Suppiah <nedunseran@chakrawecare.com>

Cc: Nicholas M. Nash <NMNashI@bellsouth.net>

Dr. Crum and team,

I am going to get Dr. Selvam and team to respond.

HOLISTA COLLTECH

Dato' Dr. Rajen M

Chief Executive Officer

MALAYSIA

Unit 1201, 12th Floor, Amcorp Trade Center, PJ Tower, 18 Persiaran Barat, 46050 Petaling Jaya.
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(ABN 24 094 515 992 ASX Code : HCT)

On Thu, Aug 22, 2019 at 12:36 AM The ProImmune Co. LLC -- <albertbcrum@aol.com> wrote:
August 21, 2019

Dato' Dr. Rajen M, Emails: Rajen.M@HolistacoCo.com, Rajen.M@Holistabio.com

COPY: Nicholas M. Nash, CPA, CFO, Email: NMNashI@BellSouth.net

Dear Rajen,

In response to your Email below, how can you be sure that this is immune Formulation 200® product which you picked up from UST?

What is the Batch Number of the product that you are testing?

What was the name of the Test(s) performed on the product?

Please advise.

Sincerely,
Albert
Albert Crum, M.D.
Prolimmune®
845 876 3222
www.ProlimmuneCo.com

-----Original Message-----

From: Rajen M <rajen.m@holistaco.com>
To: Nedunseran Suppiah <nedunseran@chakrawecare.com>; Dr. Albert Crum <albertbcrum@aol.com>; Naomi S. Christman <nrsacksxman@aol.com>; Nicholas M. Nash <NMNash1@bellsouth.net>
Cc: Dr Selvam <drselvam27@yahoo.com>
Sent: Tue, Aug 20, 2019 12:12 am
Subject: Re: Amino Acid Content in Immune Formulation 200R

Dr. Crum and team,

As the request of QNet, Chakra We Care, tested a sample of Formulation 200 and found that the amino acid content was just under 50%. Please help with this query.

HOLISTA COLLTECH

Dato' Dr. Rajen M
Chief Executive Officer

MALAYSIA
Unit 1201, 12th Floor, Amcorp Trade Center, PJ Tower, 18 Persiaran Barat, 46050 Petaling Jaya. Selangor, Malaysia
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(ABN 24 094 515 992 ASX Code : HCT)

On Tue, Aug 20, 2019 at 9:49 AM <nedunseran@chakrawecare.com> wrote:
Dear Dato Rajen,

Good Day.

Attached the amino acid profiling lab report for your perusal.

Based on customer's request and demand for a detailed analysis, we have conducted this test.

However, **we were surprised with the outcome of the result which shows the active (amino acid content) is almost 50% only.**

Please verify and explain why is there a huge difference in the amino acid content.

On the other hand, we have also realized that the powder is becoming more hydroscopic probably due to the change in mesh size and if that's the case, we are disappointed that this have not been notified to us.

Thank you.

Best Regards;
Nedunseran Suppiah
Operation Manager
Mobile: +6016 787 8122
DID: 03 7773 2299
<image001.jpg>

CHAKRA WE CARE RESOURCES SDN BHD

A-G-15, Pusat Perniagaan Metro,
Metro Square, Jln PJS 2B/3,
46150 Petaling Jaya, Selangor

GL: 03 7773 2299 | Fax: 07 438 7788

nedunseran@chakrawecare.com

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<image002.gif>

EXHIBIT B

From: Rajen M <rajen.m@holistaco.com>
To: Scott Stewart <scott@equitylabs.com>
Cc: Albert Crum <albertbcrum@aol.com>; Naomi Christman <nrsacksxman@aol.com>; Nicholas M. Nash <NMNash1@bellsouth.net>; Dr. Selvam Rengasamy <drselvam27@yahoo.com>; Nedunseran Suppiah <nedunseran@chakrawecare.com>
Subject: Re: ProImmune Company and UST
Date: Tue, Sep 24, 2019 9:13 am

Scott,

These questions have been brought up again and again BUT let me answer this, one more time.

As told by your Assistant, I will be calling you at 9.30 am Utah time on Tuesday.

-What product is actually being tested? How many individuals or locations handled the product before it was examined in the laboratory.

1. Product name: Immune Formulation 200®

BN: 1015811

EXP Date: 11/2020

2. This samples was from the original packing from UST.

-What Laboratory are they using? Does it have a License number.

1. Alpha Testing Labs (SA0375373P)

-What is the technical name and/or the universal number of the Test that they are using on the substance which they are having tested?

1. They are using GCMS test method.

In Scott's email on September 17, 2019 (subject: Re: Holista letter content), he have mentioned below.

"We are also pulling a retain sample of the finished product from 2 years ago and will send this to the lab to identify the amino acid amounts for stability verification." Please share this result with us.

We are not interested in knowing proprietary formula or method of blending from UST. Our only concern is **Why the total amino acid content is lesser in Immune Formulation 200®?**

It can be a proprietary formula from your end but when customer test the amino acid content, it shouldn't reduce by 50%. We just need an explanation for **Why the total amino acid content is reduced by 50% in the batch 1015811?**

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exhibitclicker.com

We have also highlighted earlier on the packaging of Immune Formulation 200®. We are receiving in a plastic bag which is sealed with a cable tie and packed in a carton box. We have a concern whether **this packing method can cause deterioration/oxidation of amino acid content?**

We have also send the same sample (BN: 1015811) to Eutech Scientific Services, Inc to check the amino acid content. Meanwhile please answer to our enquiries with ProImmune's permission.

I have attached the photos and the lab report for your perusal.

Please click the below link for sample collecting video.

https://drive.google.com/open?id=1uHOGyu_6F8D_B7iLnsQHwMu2n2u2Lail

HOLISTA COLLTECH

Dato' Dr. Rajen M
Chief Executive Officer

MALAYSIA

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(ABN 24 094 515 992 ASX Code : HCT)

On Tue, Sep 24, 2019 at 6:34 AM Scott Stewart <scott@equitylabs.com> wrote:

Hi Dr Rajen,

Thank you for you recent emails and missed call today!

We would like to clarify our position as it relates to The Proimmune Company.
We have had a very positive, professional, and personal relationship with them for many years.
The ProImmune Company is our customer and we are under strict legal confidentiality with regards to the formula, and other intellectual property rights.

We would like to let you know that The Proimmune Company and UST are both highly ethical and honest companies. We at UST abide by strict Industry and USA governmental guidelines and laws. Our GMP's, processes, Quality Assurance, documentation, etc is some of the best in the dietary

supplement industry. We ship product all over the world and seldom have any problems or challenges.

We would ask that future questions or correspondence be channeled directly to The ProImmune Company.

However, for the claim of quality issues and integrity issues regarding Immune Formulation 200, I would ask the your group the following....

-What product is actually being tested? How many individuals or locations handled the product before it was examined in the laboratory.

-What Laboratory are they using? Does it have a License number.

-What is the technical name and/or the universal number of the Test that they are using on the substance which they are having tested?

At some point in the past, I recall that you group had claimed to find only sugar in the product. We were able to explain that your lab was using the wrong testing method.

It would be suggested from our standpoint to provide some of this information to Dr Crum and Naomi. If they then pass it on to us, we will be able to accommodate their requests.

Thanks

Scott Stewart

EXHIBIT C

From: The Prolimmune Co. LLC -- <albertbcrum@aol.com>
To: Rajen.M <Rajen.M@Holistaco.com>; Rajen.M <Rajen.M@Holistabio.com>
Cc: Scott <Scott@EquityLabs.com>; NMNashl <NMNashl@BellSouth.net>
Subject: Two-year Stability Tests – Superb Results
Date: Fri, Sep 27, 2019 10:29 am
Attachments: 19-0926 - Advanced Laboratories UST_Corporation(179051)20190926_1150(32).pdf (126K), 19-0926 - Dyad Laboratories 540922 - 11707653- Prolimmune Powder German - 0831703A.pdf (204K)

September 27, 2019

Subject: Two-year Stability Tests – Superb Results

Dato' Dr. Rajen M, Emails: Rajen.M@Holistaco.com, Rajen.M@Holistabio.com

COPY:

Mr. Scott Stewart, Email: Scott@EquityLabs.com
Nicholas M. Nash, CPA, CFO, Email: NMNashl@BellSouth.net

Dear Dr. Rajen,

Good news regarding the two-year Stability Test for Immune Formulation 200®. The attached documents were received from UST.

1

Advanced Laboratories testing for Lot No. 11707653 (Product Number)-0831703A (Lot Number), Testing Date: 9-26-2019. Manufacturing Date: 9-27-2017.

In real time the two-year Stability on this product has proved to be superb. Testing Methods are described in the Report for both Cysteine and Selenium.

2

Dyad Laboratories testing for Lot No. 11707653-0831703A on Glycine and Glutamine, Testing Date: 9-26-2019. Manufacturing Date: 9-27-2017

The Stability on this product is also superb. Testing Methods are described in the Report for both Glycine and Glutamine.

Thank you, as always.

Be well.

With good wishes,

Naomi Christman

Prolimmune®

845 876 3222

www.ProlimmuneCo.com

EXHIBIT

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Attachments (pdf):

1. Advanced Laboratories (1 page).
2. Dyad Labs (2 pages).



If you liked our service, please tell a friend. If you didn't, please tell us!

40 West Louise Ave., Salt Lake City, UT 84115

Phone: (801) 485-1800 Fax: (801) 484-9211

Email: utlab@advancedlabsinc.com

FDA Registration #3006423386

Test Certificate

Description: ProImmune Powder German

Client: UST Corporation

Sample ID:

851 North McCormick Way,

Lot No: 11707653-0831703A

Unit A

Part Code:

Layton, UT 84041

Location:

PO No: 21996

Lab No: 179051-01

Received: 9/20/2019

Completed: 9/26/2019

Analysis	Result	Per Unit	Specifications	Method
† Cysteine	[REDACTED]	[REDACTED]	[REDACTED]	HPLC
Selenium	[REDACTED]	[REDACTED]	[REDACTED]	ICP-OES USP <730>

Cysteine analysis performed using HPLC following derivatization according to the AccQtag methodology (Waters, Inc.) using 20 mM HCl, Borate buffer, and AQC reagent in acetonitrile (1:3:1, v/v/v), followed by HPLC using Waters Extera C18 column (150x3.5mm, 3µm), 40°C, with isocratic mobile phase consisting of 20mM Potassium phosphate, pH3.0/Acetonitrile (95:5) 1.5ml/min with UV detection (254nm). Authentic chemical reference material obtained from Sigma-Aldrich.

THESE RESULTS APPLY ONLY TO THE SAMPLE SUBMITTED AND NOT TO THE PRODUCT FROM WHICH IT WAS TAKEN. THESE RESULTS ARE PROVIDED ONLY FOR THE BENEFIT OF CLIENT, WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND, EXCEPT FOR THE EXPRESS LIMITED WARRANTY PROVIDED SOLELY TO CLIENT IN ADVANCED LABORATORIES' TERMS OF SERVICE.

THIS CERTIFICATE SHALL NOT BE REPRODUCED EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL FROM ADVANCED LABORATORIES.

Results Approved By:

Alisa Farnsworth-Quality Technician

Dated: 9/26/2019

Tests marked with † were done at Atlas Bioscience Labs, LLC, a joint venture with Advanced Laboratories. - 1775 S. Pantano Rd - Ste #110, Tucson, AZ 85710

Printed: 9/26/2019 11:50:31 AM



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PROIMMUNE_002357



1945 S Fremont Drive
Salt Lake City, Utah 84104
Phone: 801.973.8824
www.dyadlabs.com

Certificate Of Analysis

UST Corp
855 N McCormick Way
Layton, UT 84041

Certificate ID 85286
Report Date 09-26-2019
Customer PO 22001
Receipt Date 09-20-2019
Test Completion Date 09-26-2019

Analytical Testing Results

Customer Lot 0831703A
Description 11707653- ProImmune Powder German

Previous Certificate ID 85285
Lab Sample ID 540922
Serving Size [REDACTED]

Method GL-612
Analysis [REDACTED]

Test Type	UPLC	Result	U/M
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

GL-111-Form-01-E





1945 S. Fremont Drive
Salt Lake City, Utah 84104
Phone: 801.973.8824
www.dyadlabs.com

Laboratory Comments:

Certificate ID#: 85286

Reviewed By: Arun Stevenson

Approved By: Uri Hong - Partnering Representative

On Behalf of Dyad Labs

Date: 09-26-2019

Digital signature of Uri Hong
- Partnering Representative
Date: 2019.09.26 12:47:56
-06'00'

Laboratory Notes:

Samples were received in acceptable condition unless otherwise noted in the laboratory comments section. This report may not be distributed or reproduced except in full, without written permission from Dyad Labs. Client shall not at any time misrepresent or alter the contents of this report. Any violation of these conditions voids this report. Dyad Labs assumes no responsibility, and client hereby waives all claims against Dyad Labs, for interpretation of such results. The results apply only to the sample(s) provided by the client. All work is done in accordance with Dyad Labs Terms and Conditions of Sale. Full text available on www.dyadlabs.com/Terms

Result Symbol Definitions:

^ = ISO 17025 certified method

* = Analysis performed at a subcontract location

Supplement to Test Report
Additional Pages: N/A

EXHIBIT D

From: Nicholas Nash <nashandassoc@bellsouth.net>
To: Albert Crum <albertbcrum@aol.com>; Naomi S. Christman <nrsacksxman@aol.com>
Subject: Fwd: Immune Formulation 200R Test Result Discrepancies
Date: Thu, Oct 10, 2019 6:37 am
Attachments: image001.jpg (3K), image002.gif (566),
19-0926 - Dyad Laboratories 540922 - 11707653- ProImmune Powder German - 0831703A.pdf (204K),
19-0926 - Advanced Laboratories UST_Corporation(179051)20190926_1150(32).pdf (126K),
2019_Amino Acid Analysis Immune Formulation 200 1015811 (10g).pdf (899K)

Dr. Crum,

I received this email from Dr. Rajen.

Sent from my iPhone

Begin forwarded message:

From: Rajen M <Rajen.M@holistaco.com>
Date: October 10, 2019 at 3:18:30 AM CDT
To: "Nicholas M. Nash" <nmnashi@bellsouth.net>
Subject: Fwd: Immune Formulation 200R Test Result Discrepancies

----- Forwarded message -----

From: <nedunseran@chakrawecare.com>
Date: Thu, 10 Oct 2019 at 2:39 PM
Subject: Immune Formulation 200R Test Result Discrepancies
To: Rajen M <rajen.m@holistaco.com>
Cc: Dr Selvam <drselvam27@yahoo.com>, Seran chakra <nedunseran@chakrawecare.com>

Dear Dato Rajen,

Attached test report from EU Tech & UST for your perusal.

Below is the summary of both reports.

From the results, we can conclude few point as listed below.

1. The sample size (mg) used in CWC is more than UST.
 - a. [REDACTED]
 - b. [REDACTED]
2. If we consider homogeneous blending, CWC samples should give more accurate result compared to UST because CWC's sample size is more than UST.
3. UST result shows 99% of amino acid content which is a perfect result. However, CWC report shows only 88% of amino acid.

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This report clearly shows that, CWC's stock is not as per UST's standard.

Amino Acid	CWC		UST	
	[REDACTED]	%	[REDACTED]	%
Glutamine	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Glycine	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Cystine	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
TOTAL	[REDACTED]	87.89	[REDACTED]	98.64

≈88%

≈99%

Thank you.

Best Regards;

Nedunseran Suppiah

Operation Manager

Mobile: +6016 787 8122

DID: 03 7773 2299

CHAKRA WE CARE RESOURCES SDN BHD

A-G-15, Pusat Perniagaan Metro,

Metro Square, [Jln PJS 2B/3,](#)

[46150 Petaling Jaya, Selangor](#)

GL: 03 7773 2299 | Fax: 07 438 7788 | nedunseran@chakrawecare.com

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--
Sent from Gmail Mobile

2Attached Images



Please consider the environment before printing this email

EXHIBIT E

From: Eric Wallace (IBX) <eWallace@IbexFreight.com>
To: Jason Lee <jason.lee@holistaco.com>; sharon@equitylabs.com <sharon@equitylabs.com>
Cc: albertbcrum@aol.com <albertbcrum@aol.com>; Masco Gary <marketing@masco.com.my>; James Carroll (IBX) <JCarroll@IbexFreight.com>; Yvonne Patrick (IBX) <yPatrick@IbexFreight.com>
Subject: RE: Product Ready for Pickup - 87917
Date: Mon, Dec 3, 2018 4:14 pm

Hello,

Please be advise the carrier has just informed me that this shipment is now scheduled to sail on the CMA CGM THAMES. All other sailing details remain unchanged.

Please send a copy of your commercial invoice for this shipment. =- Thank you

Sailing details –

Booking number: 3H1282

Ibex Reference number: 87917

Vessel: CMA CGM Thames 0TU38W

Cutoff: 12/6

ESD: 12/15

ETA: 1/9

Thank you and regards,

Eric Wallace

Ibex International Forwarding

2 Westchester Park Drive Suite 401

White Plains, NY 10604

1-800-437-2765

ewallace@ibexfreight.com

From: Jason Lee [mailto:jason.lee@holistaco.com]
Sent: Thursday, November 29, 2018 3:49 AM
To: sharon@equitylabs.com
Cc: Eric Wallace (IBX); albertbcrum@aol.com; Masco Gary; James Carroll (IBX); Yvonne Patrick (IBX)
Subject: Re: Product Ready for Pickup - 87917

Hi Sharon,

I would like a favor from you, can you please help to label "NON-STACKABLE" on every side of the pallet? Make the label as large as possible.

Thanking you in advance for your help.

Best regards,

HOLISTA

COLLTECH

Jason Lee

Special Projects Manager

HOLISTA COLLTECH LIMITED

P: +603.7965 2828 | F: +603.7965 2777 | M: +6012.616 0044 | W: www.holistaco.com

Unit 1201, 12th Floor, Amcorp Trade Center, PJ Tower, 18 Persiaran Barat, 46050 Petaling Jaya, Selangor, Malaysia.

OVINEX™ - the premium sheep-derived collagen. For more info, visit www.ovinex.com

On Thu, Nov 29, 2018 at 12:54 AM Sharon Dahl <sharon@equitylabs.com> wrote:

Hi Eric,

Nice to meet you! We have received the BOL and the pallet tags. Thank you!

We will have the shipment ready for pickup when the driver arrives.

Have a fantastic day!

Sharon

From: Eric Wallace (IBX) [mailto:eWallace@IbexFreight.com]

Sent: Wednesday, November 28, 2018 9:02 AM

To: The ProImmune Co. LLC -- <albertbcrum@aol.com>; marketing@masco.com.my;

Sharon@EquityLabs.com; Jason.Lee@HolistCo.com

Cc: James Carroll (IBX) <JCarroll@IbexFreight.com>; Yvonne Patrick (IBX) <yPatrick@IbexFreight.com>

Subject: RE: Product Ready for Pickup - 87917

Hi Naomi & Sharon,

Please see attached truck BOL, USF Reddaway is scheduled to collect tomorrow 11/29 before 9 PM.
(Shipping docs received.)

Please mark the Freight with the below Booking number

Sailing details –

Booking number: 3H1282

Ibex Reference number: 87917

Vessel: CMA CGM ELBE OTU38W

Cutoff: 12/6

ESD: 12/15

ETA: 1/9

Los Angeles → Port Klang

Thank you and regards,

Eric Wallace

Ibex International Forwarding

2 Westchester Park Drive Suite 401

White Plains, NY 10604

1-800-437-2765

ewallace@ibexfreight.com

From: The ProImmune Co. LLC -- [mailto:albertbcrum@aol.com]

Sent: Wednesday, November 28, 2018 10:37 AM

To: Eric Wallace (IBX); marketing@masco.com.my; Sharon@EquityLabs.com; Jason.Lee@HolistCo.com

Cc: James Carroll (IBX); Yvonne Patrick (IBX)

Subject: Re: Product Ready for Pickup - 87917

November 28, 2018

Mr. Eric Wallace, Email: EWallace@IBEXFreight.com

Dear Eric,

Thank you for your Email and follow-up call. Per your inquiry, please schedule the pick-up for tomorrow 11/29.

A pleasure meeting you. Thank you again.

Be well.

Naomi

ProImmune®

845 876 3222

www.ProImmuneCo.com

-----Original Message-----

From: Eric Wallace (IBX) <eWallace@IbexFreight.com>
To: albertbcrum@aol.com <albertbcrum@aol.com>; marketing@masco.com.my <marketing@masco.com.my>;
Sharon@EquityLabs.com <Sharon@EquityLabs.com>; Jason.Lee@Holistico.com <Jason.Lee@Holistico.com>
Cc: James Carroll (IBX) <JCarroll@IbexFreight.com>; Yvonne Patrick (IBX) <yPatrick@IbexFreight.com>
Sent: Wed, Nov 28, 2018 9:24 am
Subject: RE: Product Ready for Pickup - 87917

Hello,

We have received the booking conformation for this shipment and can arrange the pick-up for today. I noticed that in the below email chain it was stated "BOL required 24 hours in advance of pickup." Please advise if you would prefer this pick-up be scheduled for tomorrow 11/29? – Thank you

Thank you and regards,

Eric Wallace

Ibex International Forwarding

2 Westchester Park Drive Suite 401

White Plains, NY 10604

1-800-437-2765

ewallace@ibexfreight.com

From: The ProImmune Co. LLC -- [mailto:albertbcrum@aol.com]
Sent: Tuesday, November 27, 2018 11:57 AM
To: James Carroll (IBX)
Cc: marketing@masco.com.my; Sharon@EquityLabs.com; Jason.Lee@HolistaCo.com
Subject: Fwd: Product Ready for Pickup

November 27, 2018

Mr. James Carroll, IBEX, Int'l Forwarding, Email: JCarroll@IBEXFreight.com
PHONE for Mr. Carroll: 800-437-2765

COPY:

Ms. Sharon Dahl, UST, Email: Sharon@EquityLabs.com
Mr. Gary Masco, Email: Marketing@Masco.com.MY
Mr. Jason Lee, Email: Jason.Lee@HolistaCo.com

Dear James,

Thank you for your telephone call. Glad to meet you. Thank you for reciting the name of Jason Lee and Gary Masco who are both associated with the Customer.

I am forwarding to you below all of the data that I have previously forwarded to the party that hired you, together with all of the attachments which went with the Email.

This covers verification of payment for the two orders as in Attachment No. 1, which bear my signature. All of the other data is also relevant and necessary for your information.

Thank you again for your call. I understood you to say that you are engaged to pick up only this one time. In answer to your question, as I explained, we are not exporters. Our Customer arranges to pick up orders at the Manufacturer.

If necessary, you may make inquiry at our manufacturer UST, which is where you will pick up. Ms. Sharon Dahl is at the above Email address or at 1-435-213-6426

Do not hesitate to inquire further, should there be any detail that is not understood.

Be well.

Best wishes,

Naomi

Naomi Christman

Vice President
ProImmune®
845 876 3222

-----Original Message-----

From: The ProImmune Co. LLC -- <albertbcrum@aol.com>
To: aminah.shukor <aminah.shukor@holistaco.com>; jason.lee <jason.lee@holistaco.com>
Cc: Rajen.M <Rajen.M@holistaco.com>; Rajen.M <Rajen.M@holistabio.com>; NMNashI <NMNashI@bellsouth.net>;
marketing <marketing@masco.com.my>
Sent: Tue, Nov 20, 2018 5:28 pm
Subject: Re: Product Ready for Pickup

November 20, 2018

Ms. Aminah Shukor Aminah.Shukor@HolistCo.com
Mr. Jason Lee, Jason.Lee@HolistCo.com
Dato' Dr. Rajen M, Email: Rajen.M@HolistCo.com, Rajen.M@HolistBio.com
Mr. Gary Masco, Email: MArketing@MAscos.com.MY
Ms. Sharon Dahl, Email: Sharon@EquityLabs.com
Nicholas M. Nash, Email: NMNashI@BellSouth.net

Subject: POM 18/09 and POM/18/10 Pick-Up Information

Dear Sharon,

Thank you for this data, which I am sending to members of Holista with request that we have names of all who require this information.

Dear Aminah, Jason, Gary

Holista's Immune Formulation 200® POM 18/09 & POM/18/10 are ready for pickup. Signatures of Payment are attached for each Order.

The pack slips are attached. The Certificate of Analysis for lot 1015811 will be available in a few days.

The location for the pickup at UST Manufacturing, 851 McCormick Way, Layton, Utah 84041. Pickup in Utah should occur between 12 (noon) and no later than 4:45 pm MST. BOL required 24 hours in advance of pickup. NOTE: This is a U.S. Holiday Weekend, and there will be NO pickup in Utah on Thursday, November 22 or Friday November 23. Pickup can resume on Monday, November 26. Please have freight company provide Bill of Lading as soon as possible.

Lot # 0813812 1,100kg 55 boxes @ 20 kg each.2 pallets: total weight 2,607 pounds.1 pallet — 40x48x58 - 36 cases - 1,694 lbs.1 pallet — 40x48x45 - 19 cases - 913 lbs.

Lot # 1015811 1,100kg 55 boxes @ 20 kg each.2 pallets: total weight 2,607 pounds.1 pallet — 40x48x58 - 36 cases - 1,694 lbs.1 pallet — 40x48x45 - 19 cases - 910 lbs.

Please confirm shipping company and all Holista contacts.

Be well.

With good wishes,
Naomi
Naomi Christman
Vice President
ProImmune®

Attachments (pdf):

1. Payment Signatures for POM 18/09 and POM 18/10 (2 pages).
2. Packing List for POM 18/09
3. Packing List for POM 18/10
4. Certificate of Analysis for Immune Formulation 200® (CofA) lot 0813812.
5. Material Safety Data Sheet for Immune Formulation 200® (MSDS)
6. Shipper's Letter of Instructions (SLI)

-----Original Message-----

From: aminah shukor <aminah.shukor@holistaco.com>
To: Jason Lee <jason.lee@holistaco.com>; The ProImmune Co. LLC -- (albertbcrum@aol.com) <albertbcrum@aol.com>
Cc: Rajen M <Rajen.M@holistaco.com>; Rajen M <Rajen.M@holistabio.com>; Nicholas M. Nash <NMNashI@bellsouth.net>; Masco Gary <marketing@masco.com.my>
Sent: Sun, Nov 18, 2018 7:27 pm
Subject: Re: Product Ready for Pickup

Hi Naomi,

This will go by sea freight

Jason and Gary,

Please arrange this.

Regards,

**HOLISTA
COLLTECH**

Aminah Shukor

Accountant

HOLISTA COLLTECH LIMITED

O : +603.7965 2828 I DL: +603.7965 2706 I F : +603.7965 2777 I HP : +6019.2288 379 I website : www.holistaco.com

Unit 1201, 12th Floor, Amcorp Trade Center, PJ Tower, 18 Persiaran Barat, 46050 Petaling Jaya. Selangor, Malaysia.



EXHIBIT F

From: Rajen M <rajen.m@holistaco.com>
To: The ProImmune Co. LLC -- <albertbcrum@aol.com>
Cc: Robert Underwood <RUnderwood@mwe.com>; Nicholas M. Nash <NMNashI@bellsouth.net>; Jason Lee <jason.lee@holistaco.com>
Subject: Re: Fwd Two Urgent Issues Await your Immediate Action
Date: Mon, Mar 4, 2019 1:17 am

Dr. Crum,

Jason is traveling. I am proposing a call on Wednesday with you at 8 am EST. Would this work for you?

**HOLISTA
COLLTECH**

Dato' Dr. Rajen M
Chief Executive Officer

MALAYSIA

Unit 1201, 12th Floor, Amcorp Trade Center, PJ Tower, 18 Persiaran Barat, 46050 Petaling Jaya.
Selangor, Malaysia
P +603 7965 2729 | F +603 7965 2777 | www.holistaco.com

AUSTRALIA

283 Rokeby Road, SUBIACO WA 6008
P +61 8 6141 3500 F +61 8 6141 3599
(ABN 24 094 515 992 ASX Code : HCT)

On Mon, Mar 4, 2019 at 4:14 AM The ProImmune Co. LLC -- <albertbcrum@aol.com> wrote:

March 3, 2019

Dato' Dr. Rajen M, Emails: Rajen.M@HolistCo.com, Rajen.M@HolistBio.com

COPY:

Robert Underwood, Esq., Email: RUnderwood@mwe.com
Nicholas M. Nash, CPA, CFO, Email: NMNashI@Bellsouth.net

Subject: Follow-up - Two Urgent Issues await your Immediate Action

Dear Rajen,

We have to have definitive information regarding your upcoming contractual orders for March and April 2019. Our Manufacturer, UST has forward ordered the

necessary raw materials to meet your purchased projections reiterated and extended in December 2018. We still have not heard from you regarding our February 22, 2019 request below:

Two Urgent Issues await your Immediate Action:

1

We are awaiting your order of 500 kg and the 50% down payment, representing the short fall in your recent order. Please refer to confirmations from you December 14 and from Jason Lee December 17 to bring your Purchase Order schedule into contract compliance.

2

There are orders that are awaiting your pick-up confirmation.

Please advise.

Sincerely,

Albert

Albert Crum, M.D.

Prolimmune®

845 876 3222

www.ProlimmuneCo.com

-----Original Message-----

From: The Prolimmune Co. LLC -- <albertbcrum@aol.com>

To: Rajen.M <Rajen.M@Holistaco.com>; Rajen.M <Rajen.M@HolistaBio.cm>

Cc: Jason.Lee <Jason.Lee@HolistaCo.com>; Aminah.Shukor <Aminah.Shukor@HolistaCo.com>; NMNashI <NMNashI@BellSouth.net>

Sent: Fri, Feb 22, 2019 8:42 am

Subject: Fwd: Your Proposal to Mr. Nash Two Urgent Issues Await your Immediate Action

February 22, 2019

Subject: Two Urgent Issues await your Immediate Action

Dato' Dr. Rajen M Emails: Rajen.M@HolistaCo.com, Rajen.M@HolistaBio.com

COPY:

Mr. Jason Lee, Email: Jason.Lee@HolistaCocom

Ms. Aminah Shukor, Email: AminahShukor@HolistaCo.com

Nicholas M. Nash, CPA, CFO, Email: NMNashI@BellSouth.net

Dear Rajen,

Two Urgent Issues await your Immediate Action:

1

We are awaiting your order of 500 kg and the 50% down payment, representing the short fall in your recent order. Please refer to confirmations from you December 14 and from Jason Lee December 17 to bring your Purchase Order schedule into contract compliance.

2

There are orders that are awaiting your pick-up confirmation.

Please advise.

Sincerely,
Albert
Albert Crum, M.D.
ProImmune®
845 876 3222
www.ProImmuneCo.com

-----Original Message-----

From: The ProImmune Co. LLC -- <albertbcrum@aol.com>
To: Rajen.M <Rajen.M@Holistaco.com>; Rajen.M <Rajen.M@Holistabio.com>
Cc: Jason.Lee <Jason.Lee@holistaco.com>; Aminah.Shukor <Aminah.Shukor@holistaco.com>; NMNashI <NMNashI@bellsouth.net>; NRSacksXman <NRSacksXman@aol.com>
Sent: Wed, Feb 20, 2019 7:05 pm
Subject: Re: Your Proposal to Mr. Nash

February 20, 2019

Dato' Dr. Rajen M, Emails: Rajen.M@Holistaco.com, Rajen.M@Holistabio.com

COPY:

Mr. Jason Lee, Email: Jason.Lee@Holistaco.com
Ms. Aminah Shukor, Email: Aminah.Shukor@Holistaco.com
Nicholas M. Nash, CPA, CFO, Email, NMNashI@BellSouth.net

Dear Rajen,

Per the below commitments from yourself at December 14 and repeated in color by Mr. Lee on December 17, your commitments were made for a Purchase Order of 1,500 kg. Please follow through and complete your committed Purchase Order of 1,500 kg.

We have received a Purchase Order in the amount of only 1000 kg on February 11. However, the commitment was for 1,500 kg.

Thank you for your partial order of 1,000 kg, which we have received. However, ignoring the requirement for 500 kg. still puts your order short of compliance. Please make an order for the 500 kg so as to complete your committed Purchase Orders promised December 14 and repeated on December 17.

Thank you.

Sincerely,
Albert
Albert Crum, M.D.
ProImmune®
845 876 3222
www.ProImmuneCo.com

-----Original Message-----

From: Jason Lee <jason.lee@holistaco.com>
To: The ProImmune Co. LLC -- <albertbcrum@aol.com>
Cc: Aminah Shukor <Aminah.Shukor@holistaco.com>; Nicholas M. Nash <NMNash1@bellsouth.net>; Robert Underwood <RUnderwood@mwe.com>; Naomi S. Christman <NRSacksXman@aol.com>; Rajen M <rajen.m@holistaco.com>
Sent: Mon, Dec 17, 2018 4:13 am
Subject: Re: Your Proposal to Mr. Nash

Dear Dr.Crum,

Kindly see the details below.

1) the 20% dollar value we are wiring next week

We will be wiring USD 22,275.00 (20%) on the 21st December.

2) the dollar amount and date in January we will wire the 80%

USD 89,100.00 (80%) will be wired on the 4th January 2019.

3) the date in January 2019 when we will make the 50% down payment on the Purchase Order

19th January 2019 is a Saturday, we will provide a purchase order for 1,500 KG on the 18th January 2019 (Friday) and 50% downpayment thereafter.

Thank you,

**HOLISTA
COLLTECH**

Jason Lee

Special Projects Manager

HOLISTA COLLTECH LIMITED

P: +603.7965 2828 | F: +603.7965 2777 | M: +6012.616 0044 | W: www.holistaco.com

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On Fri, Dec 14, 2018 at 11:02 PM Rajen M <rajen.m@holistaco.com> wrote:

Dr. Crum,

Question 1: What date in December are you proposing to wire in the "immediate" 20% on the second half payment for POM 18/45, POM 18/46, and POM 18/47? **This will happen by Thursday 21st December.**

Question 2: Exactly what precise date in January are you committing to wire in the final 80% payment to conclude the second half payment for POM 18/45, POM 18/46, and POM 18/47?

This will happen by Friday 4th January 2019

Question 3: Please confirm our assumption that you will make your next Purchase Order for 1,500 kg on January 19, 2019 so as to comply with your Minimum Annual Performance (MAP) of 12,000 kilogram that is to be reached by April 2019 in the 2018 contract. **Yes ... we intend to meet our contract compliance for 2018/**

SUMMARY: Please provide all of the above information including 1) the 20% dollar value you

are wiring immediately, 2) the dollar amount and date in January you will wire the 80% to conclude POM 18-45, POM 18-56 and Pom-18-47, and 3) the date in January 2019 when you will make the 50% down payment on the Purchase Order for the 1,500 kg order due January 19, so as to comply with the 2018 MAP.

I am traveling to India from tomorrow but my colleague Jason will provide this.

Jason,

Please provide on Monday:

- 1) the 20% dollar value we are wiring next week**
- 2) the dollar amount and date in January we will wire the 80%**
- 3) the date in January 2019 when we will make the 50% down payment on the Purchase Order**

HOLISTA COLLTECH

Dato' Dr. Rajen M

Chief Executive Officer

MALAYSIA

Unit 1201, 12th Floor, Amcorp Trade Center, PJ Tower, 18 Persiaran Barat, 46050 Petaling Jaya. Selangor, Malaysia

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AUSTRALIA

283 Rokeby Road, SUBIACO WA 6008

P +61 8 6141 3500 F +61 8 6141 3599
(ABN 24 094 515 992 ASX Code : HCT)

On Fri, Dec 14, 2018 at 2:43 AM The ProImmune Co. LLC -- <albertbcrum@aol.com> wrote:

December 13, 2018

Subject: Your Proposal to Mr. Nash.

Dato' D. Rajen M, Email: Rajen.M@HolistCo.com, Rajen.MW@HolistBio.com
COPY:

Jason Lee, Email: Jason.Lee@HolistCo.com

Ms. Aminah Shukor, Email: Aminah@HolistCo.com

Nicholas M. Nash, CPA, CFO, Email: NMNashI@BellSouth.net

Robert Underwood, Esq., Ph.D., Email: RUnderwood@MWE.com

Naomi Christman, Email: NRSacksXman@aol.com

Dear Rajen,

Mr. Nicholas Nash has just informed me that you had called him and requested a forbearance in making a final payment for the POM 18/45, POM 18/46, and POM 18/47,

about which I have just written to you.

Mr. Nash informed me that with respect to final 50% payment on POM 18/45, POM 18/46, and POM 18/47, you have 1) requested forbearance which includes only a 20 percent immediate payment, plus 2) a promise to make the final 80% payment during the first week in January of 2019.

Meanwhile, the January 19 Purchase Order on the next Order needs to be 1,500 kg rather than 1,000 kg so as to comply with the 12,000 Minimum Annual Performance of the 2018 contract.

Three Questions, as follows:

Question 1: What date in December are you proposing to wire in the "immediate" 20% on the second half payment for POM 18/45, POM 18/46, and POM 18/47?

Question 2: Exactly what precise date in January are you committing to wire in the final 80% payment to conclude the second half payment for POM 18/45, POM 18/46, and POM 18/47?

Question 3: Please confirm our assumption that you will make your next Purchase Order for 1,500 kg on January 19, 2019 so as to comply with your Minimum Annual Performance (MAP) of 12,000 kilogram that is to be reached by April 2019 in the 2018 contract.

SUMMARY: Please provide all of the above information including 1) the 20% dollar value you are wiring immediately, 2) the dollar amount and date in January you will wire the 80% to conclude POM 18-45, POM 18-56 and Pom-18-47, and 3) the date in January 2019 when you will make the 50% down payment on the Purchase Order for the 1,500 kg order due January 19, so as to comply with the 2018 MAP.

Sincerely,
Albert
Albert Crum, M.D.
ProImmune®
845 876 3222
www.ProImmuneCo.com

PROOF OF SERVICE

I am a resident of the State of New York, over the age of eighteen years, and not a party to the within action. My business address is: Brown, Neri Smith & Khan LLP, 11601 Wilshire Blvd., Suite 2080, Los Angeles, CA 90025. On the date below, I served the document(s) as follows:

- **DECLARATION OF ALBERT CRUM M.D. IN SUPPORT OF PLAINTIFF/COUNTERCLAIM-DEFENDANT THE PROIMMUNE COMPANY, LLC'S OPPOSITION TO DEFENDANT/COUNTERCLAIM PLAINTIFF HOLISTA COLLTECH LTD.'S MOTION FOR SUMMARY JUDGMENT [REDACTED PURSUANT TO COURT ORDER ECF 42]**

BY ELECTRONIC MAIL: I caused such document(s) to be electronically mailed in PDF format as an e-mail attachment to each addressee for the above-entitled case. The transmission was complete and confirmed. A copy of the transmittal e-mail will be maintained with the original document(s) in our office.

To the addresses on the following address:

Natraj S. Bhushan, Esq.
Turturro Law P.C.
1602 McDonald Ave.
Brooklyn, NY 11230
E: natraj@turturrolawpc.com

Attorneys for Defendant/Counterclaim Plaintiff,
Holista Colltech, Ltd.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on July 15, 2021, at Albany, NY.



Rowennakete P. Barnes